

STATE OF ILLINOIS
92ND GENERAL ASSEMBLY
REGULAR SESSION
SENATE TRANSCRIPT

113th Legislative Day

November 21, 2002

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Pastor Rick Wenneborg, Chatham Christian Church, Chatham, Illinois. Pastor Wenneborg.

PASTOR RICK WENNEBORG:

(Prayer by Pastor Rick Wenneborg)

PRESIDENT PHILIP:

Please remain standing for the Pledge of Allegiance. Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Reading of the Journal. Senator Wendell Jones.

SENATOR W. JONES:

Mr. President, I move that the reading and approval of the Journals of Tuesday, November 19th, and Wednesday, November 20th, in the year 2002, be postponed, pending arrival of the printed Journals.

PRESIDENT PHILIP:

Senator Wendell Jones moves to postpone the reading and the approval of the Journal, pending the arrival of the printed transcript. There being no objection, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Burzynski, Chair of the Committee on Licensed Activities, reports Senate Amendment 3 to House Bill 2463 Be Approved for Consideration.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Amendment 3 to House Bill 4047 Be Approved for Consideration.

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And Senator Petka, Vice-Chair of the Committee on Executive, reports Senate Bill 1171 - the Motion to Concur with House Amendment 7 Be Approved for Consideration.

PRESIDENT PHILIP:

Messages.

SECRETARY HARRY:

Message from the President, dated November 21st, 2002.

Dear Mr. Secretary - Please be advised that I have appointed Senator Carl Hawkinson and Senator Duane Noland to be Assistant Senate Majority Leaders. They replace former Senators John Maitland and Walter Dudycz, respectively, in the positions. These appointments are effective immediately.

Signed by President Philip.

PRESIDENT PHILIP:

Congratulations, Senator Hawkinson and Senator Noland. Welcome to the Leadership team. Resolutions.

SECRETARY HARRY:

Senate Resolution 543, offered by Senator Roskam.
It's substantive, Mr. President.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to wit:

House Bill 2643.

Passed the House, November 20th, 2002.

House Bill 2643, offered by Senator Rauschenberger.

(Secretary reads title of bill)

1st Reading of the bill.

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PRESIDING OFFICER: (SENATOR HAWKINSON)

Randy Squires has requested permission for still photography in the Senate for the Associated Press. Is there leave? Leave is granted. Senator Myers, for what purpose do you rise?

SENATOR MYERS:

A point of personal privilege, Mr. Chairman.

PRESIDING OFFICER: (SENATOR HAWKINSON)

State your point.

SENATOR MYERS:

I have with me today Chana Thomason who is my Page for today. Her grandparents are here in the President's Gallery, Jerry and Carolyn Kleiner.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Will you please stand and be recognized, and the Senate extend its welcome to our guests? Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Mr. President, I know you haven't been up there too long. You know, my light's been on for quite a long time. And I know that you've -- you're quite focused on that side and you've got a kink in your neck. So, now that you're up there, you're going to have to learn to look this way too, okay? Mr. President, I'm just kidding you. This morning, Senator Margaret Smith is absent due to illness. She's in the hospital, I think, here in -- locally. And Senator Molaro had to return back to Chicago for a -- a family matter. So I would ask that they both be excused on the roll call.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Thank you, Senator. The record will so reflect. Senator Watson, for what purpose do you rise?

SENATOR WATSON:

Thank you, Mr. President. Good to see you there. My

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seatmate, Dick Klemm, is excused today for personal reasons, and he's back in the district.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Thank you, Senator. The record will so reflect. Senator Sullivan, for what purpose do you rise?

SENATOR SULLIVAN:

Thank you, Mr. President. Purpose of an announcement.

PRESIDING OFFICER: (SENATOR HAWKINSON)

State your announcement.

SENATOR SULLIVAN:

My seatmate, Senator Geo-Karis, is not with us today due to illness.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Thank you, Senator. The record will so reflect. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 84, offered by Senators Emil Jones, Demuzio and others.

It's substantive, Mr. President.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned: Referred to the Committee on Executive - House Bill 30, House Bill 2643 and House Bill 2721, Senate Bill 2079, House Joint Resolution 83 and Senate Joint Resolution 84; to the Committee on Insurance and Pensions - House Bill 2112 and House Bill 3080; to the Committee on Judiciary - the Motion to Concur with House Amendment 2 to Senate Bill 1966 and Senate Resolution 543; to the Committee on Public Health and Welfare - House Bill 5218; and Be Approved for Consideration - House Bill 3712, House Bill 5657 and Senate Bill 1966, and Senate Amendment 2 to House Bill 1273, Amendment 4 to

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House Bill 2463 and Amendment 1 to House Bill 2742.

PRESIDING OFFICER: (SENATOR HAWKINSON)

On page 2 of the Calendar, we're going to be proceeding to the Order of House Bills 3rd Reading. First, at the top of the page, to Senate Bills 3rd Reading. Top of page 2. On that order, Senator Lauzen, on the Order of 3rd Reading is Senate Bill 2424. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 2424.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Lauzen.

SENATOR LAUZEN:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. On May 31st we overwhelmingly passed Senate {sic} Bill 5150 which clarified the Comptroller's authority to sell the certified worthless accounts receivable. According to the most recent accounts receivable report, there are nearly four billion dollars that are uncollectible and worthless to the State of Illinois. If we collect just five cents on the dollar by selling those worthless receivables, that'd produce two hundred million dollars of proceeds that we could use to solve some of the problems. There was no action taken in the House, so we're back again. This -- this time, in Senate Bill 2424, I have a use for some of the -- some of that money. Senator Welch and I are cosponsoring a solution to the Sheridan Correctional Facility closing in our areas. Four hundred and fifty people have lost their jobs, and the town and area surrounding Sheridan have been decimated. We all recognize the problem. It's just where will we get the money. Both gubernatorial candidates promised to reopen Sheridan if they won, so the goal of reopening is not

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controversial. This is found money, and we'd like to take the first portion and allocate it to solving a problem in our district. So with that, I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Thank you, Senator. Any further discussion? Any further discussion? If not, Senator Lauzen, to close.

SENATOR LAUZEN:

I would just appreciate an Aye vote.

PRESIDING OFFICER: (SENATOR HAWKINSON)

The question is, shall Senate Bill 2424 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is now open. Have all voted who wished? Have all voted who wished? Have all voted who wish? Take the record. On that question, there are 48 voting Aye, none voting Nay, 4 voting Present. And the bill, having received the required three-fifths majority, is declared passed. We will now be proceeding to House Bills 3rd Reading, also on page 2. On that order appears House Bill 800. Senator Luechtefeld. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 800.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Thank you, Mr. President, Members of the Senate. Senate Floor Amendment 1 to House Bill 800 amends the Illinois Insurance Code. It creates a new Section entitled "Independent contractor compensation." Provides that providers are permitted to compensate any independent contractor for non-health care services provided in connection with management, marketing, administration, formation, and -- and maintenance of -- of provider networks.

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Compensation to independent contractors is based on a percentage of provider fees or collections. To explain this bill a little bit and why it is needed, HealthLink, which is very big in my -- my part of the State in southern Illinois - think it covers approximately four hundred -- four hundred thousand people - they, for seventeen years, took a percentage - I think five percent - as their -- as their -- for those -- for their services. That was -- they -- an opinion by the Attorney General basically said that they thought that was maybe fee splitting, and then they've gone to a flat fee. With this particular bill, we'd like to clear up the Code so that they can go back to a five-percent fee for their services. I would be glad to answer any questions that you might have.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Thank you, Senator. Is there any further discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. President. It's good to see you in the -- the President's box. A couple questions of the sponsor, if he would yield.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator indicates that he will yield.

SENATOR JACOBS:

Senator, first off, what do the ethics of the medical profession say about -- fee splitting?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, I'm sure that if you would check, as you heard possibly in the committee hearings, at least the lawyer tried to make that point that this was against their -- their ethics. Again, I think it was kind of a stretch because all it is is an opinion of the

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Attorney General.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Jacobs.

SENATOR JACOBS:

Reading from the Medical Practices -- not the Medical Practices Act, from the American Medical Association's Code of Medical Ethics, the one line that says it all to me says: Payment by or to a physician solely for the referral of a patient is fee -- fee splitting and unethical. Would you agree with that?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, I think there is some disagreement as to -- as to really whether that independent contractor has anything to do with the -- that particular -- as far as an independent physician is concerned.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Jacobs.

SENATOR JACOBS:

Is Health -- HealthLink a licensed insurance company?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

From what I understand, it is not an insurance company. No.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Jacobs.

SENATOR JACOBS:

Then I guess the question would be: It's my understanding that we allow the insurer -- insurers and a HMO to demand these payments also, is that correct?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Luechtefeld.

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SENATOR LUECHTEFELD:

Senator, they -- they are not an insurance company. They simply provide a service.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Jacobs.

SENATOR JACOBS:

...won't -- we won't belabor that one. Are these contracts that physicians sign always negotiated with the insurance companies?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, I'm -- I'm sure that there's a negotiation between the insurance companies and then the providers, yes. And at that time, by the way, when those -- when those were negotiated, the -- the physicians knew that there was a five-percent charge.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Jacobs.

SENATOR JACOBS:

Well, it would seem to me if they are negotiated, this Body has always taken a stance, as a matter of public policy, to not interfere in negotiations. And I think that this goes this -- to this extreme. Let me just ask you one question, then get on with it. I know we all want to get home. Under our ethics law - and we've had a tremendous emphasis over the last couple years on ethics in this Body and in government - would we, under our ethics legislation that we have in place, be able to do exactly what we're asking that this company can do?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, Senator, I'm -- I'm not a lawyer and I -- I can't tell

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you that. I -- I do know that this is simply an opinion by the Attorney General. It has not really been decided in the -- in the courts. Again, I -- I think you could find people who would disagree that this is -- fee splitting.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Jacobs.

SENATOR JACOBS:

Well, I would just state that I think that if we were to do the same thing that this legislation allows HealthLink to do, we would probably go to jail. Thank you.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any further discussion? Senator DeLeo.

SENATOR DeLEO:

Thank you very much, Mr. President. Just to -- again, for legislative intent and just to follow up where Senator Jacobs left off. Senator Luechtefeld, are these contracts mostly contracts of adhesion where the doctors are just given these contracts on a take-it-or-leave-it basis?

PRESIDING OFFICER: (SENATOR HAWKINSON)

The Senator indicates that he will yield. Senator Luechtefeld.

SENATOR LUECHTEFELD:

Well, Senator, again, I'm sure that the -- the doctor has the right not to accept that contract and not be part of it.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. Well, give that, that they are adhesion contracts, won't insurance companies be able to demand a certain percentage of -- from the doctors?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Luechtefeld.

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SENATOR LUECHTEFELD:

Well, the doctor always has the right not to accept that, Senator.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. One final question. Is there -- is there a limit on what the insurance company can -- can ask for these services or demand for these services?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Luechtefeld.

SENATOR LUECHTEFELD:

I would guess that that's negotiated. In the statute, I don't think there's a limit that I know of. I think the percent was five percent. Presently they're paying a flat fee for these services.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any further discussion? Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. Chairman -- or, Mr. President. I rise in support of this bill, and it's interesting to note that from the AFL-CIO to AFSCME, on the labor side, to the Illinois Chamber of Commerce to the Illinois Manufacturers' Association, there is strong support from business and labor for Senator Luechtefeld's bill. And I looked at this overnight after voting in it -- or, on it in committee yesterday, and this amendment is pretty simple. This is an administrative service organization - it's not an insurance company that's doing this - and this practice has been going on for more than seventeen years and, to me, this is not fee splitting. Senator Jacobs went to the medical ethics part of this, but this, to me, is not a physician and it's not an insurance company splitting fees. And it's really no different

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than a doctor who uses MasterCard or Visa for patient payments and allows MasterCard or Visa to charge them for using a card for the physician's services. This really doesn't require anything other than to authorize a practice that's been going on for more than seventeen years. We just codify the status quo. It's not fee splitting under the medical guidelines. And I think the broad base of support from organized labor and the business community for this and the need for this in central and southern Illinois for quality health care, we should all be a green vote.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any further discussion? Any further discussion? If not, Senator Luechtefeld, to close.

SENATOR LUECHTEFELD:

Well, I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR HAWKINSON)

The question is, shall House Bill 800 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 voting Aye, 8 voting Nay, 4 voting Present. And House Bill 800, having received the required constitutional majority, is declared passed. House Bill 1264. Senator Philip? Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1264.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Philip.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Senate Amendment to House Bill 1264 amends the Property Tax Code to grant an assessment reduction to the Shriners and Eagles.

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There are seventy-one Eagles in the State of Illinois, and five Shrine Temples. Also corrects the reference to the original charter date of the Knights of Columbus. Amends this Section. Was originally intended to grant a reduction assessment to all KC parcels, but the organizational representation supplied the date of July -- 1896 rather than February 1896 {sic} (1898). So, it -- it takes care of that little problem. I -- I might say this, that we've done the same thing for the American Legion, the VFW, the KCs. We've done it because they do a lot of good in the communities, and quite frankly, the Shriners have twenty-seven crippled children hospitals throughout the United States. We have one in Chicago. They are all free. And we have four burn units in the United States that are operated by the Shrine. All free. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Any further discussion? Any further discussion? If not, Senator Philip, do you wish to close? The question is, shall House Bill 1264 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Yea, none voting Nay, none voting Present. And House Bill 1264, having received the required three-fifths majority, is declared passed. Senator Peterson. House Bill 1268, on the Order of 3rd Reading. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1268.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Peterson.

SENATOR PETERSON:

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Thank you, Mr. President. House Bill 1268, as amended, provides that an individual taxpayer, when beneficiary of an estate, is allowed to offset his or her Illinois taxable income with net loss deduction carryover from an estate. Current law does not allow the same carryover in the beneficiary of a trust, and this amendment would put them on equal footing. It's supported by the Department of Revenue.

PRESIDING OFFICER: (SENATOR HAWKINSON)

There any further discussion? Any further discussion? Senator Peterson, to close. The question is, shall House Bill 1268, as amended, pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Yeas, no Nays, none voting Present. House Bill 1268, as amended, having received the required three-fifths majority, is declared passed. On the Order of 3rd Reading is House Bill 1269. Senator Weaver? On the Order of 3rd Reading is House Bill 1273. Senator Weaver. Senator Rauschenberger is -- there's been a change of sponsor on House Bill 1273 from Senator Weaver to Senator Rauschenberger. Senator Rauschenberger, do you seek leave of the Body to return House Bill 1273 to the Order of 2nd Reading for the purpose of an amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1273. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Rauschenberger, to explain your amendment.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Floor Amendment No. 1 to House Bill 1273 provides two statutory

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codifications of current practice in the Department of Revenue relating to telecommunications taxation. The evolution of the telecommunications industry has led to some anomalies in our 1985 law and the way we tax telecommunications. This takes current practice by the Department of Revenue, drafts it into statute, which I think protects both the State of Illinois and the telecommunication carriers who are doing our work as tax collectors from being sued for collecting taxes according to a process rather than a statutory designation.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. Just a question for the sponsor. Does this -- does this -- does this amendment have anything to do with the change in the taxation at the local level? I know that we visited that in the springtime. This is totally different, not related to that. There's no tax increase in this, is there?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

There's no tax increase, and it doesn't deal with local taxation. It deals with the definition of what portions of a bundle telecommunications service are taxable and which ones are nontaxable based on federal action, in the one provision. The second provision codifies the way we -- we divide the revenue from private line telecommunications that are multistate in nature. It's exactly the current practice. It does not change anybody's telephone bill. It simply takes the current practice of the Department of Revenue and the telecommunication companies and writes it into the statute.

PRESIDING OFFICER: (SENATOR HAWKINSON)

There any further discussion? All those in favor of the

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amendment, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 2, offered by Senator Rauschenberger.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Mr. President, Ladies and Gentlemen of the -- Senate. Amendment No. 2 makes two technical corrections, word substitutions that make the amendment tighter, and I'd appreciate its adoption.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any discussion? Any discussion? All those in favor of the amendment, say Aye. Opposed, Nay. In the opinion of the Chair, the Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HAWKINSON)

3rd Reading. On the Order of 3rd Reading is House Bill 1445. Senator Burzynski? Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1445.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Burzynski.

SENATOR BURZYNSKI:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 1 basically changes the Orphanage Act to allow for the continued funding of institutions that are county-owned in the

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State of Illinois relative to services provided for children in need of supervision - abuse, sexually abused, neglected and delinquents - that are charged with minor offenses. These kids are wards of the court. Be more than happy to answer any questions that the Members of the General Assembly might have.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any further discussion? Any further discussion? Senator Burzynski, do you wish to close? The question is, shall House Bill 1445, as amended, pass. Those in favor will vote Aye. Those opposed will vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 voting Aye, none voting Nay, none voting Present. And House Bill 1445, as amended, having received the required three-fifths majority, is declared passed. On the Order of 3rd Reading is House Bill 1664. Senator Lauzen. House Bill 1839. Senator Cronin. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 1839.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. House Bill 1839 makes a change in the School Code in regard to regional offices of education, specifically the office in Cook County. It provides -- it addresses the issue of vacancies, and specifically, if a vacancy occurs in the office of regional superintendent of suburban Cook County, the first assistant superintendent/deputy superintendent will fill the vacancy until the end of the term to which the regional superintendent was

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elected. I'd be happy to answer any questions. Ask for your favorable vote.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any discussion? Is there any discussion? If not, Senator Cronin, do you wish to close? I'm sorry. Senator Demuzio. I didn't see your light.

SENATOR DEMUZIO:

Thank you, Mr. President. This -- what is the end of the term of the current occupant of the office?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator indicates that he will yield. Senator Cronin.

SENATOR CRONIN:

July.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Demuzio.

SENATOR DEMUZIO:

I'm sorry. I didn't hear the gentleman's answer.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Cronin.

SENATOR CRONIN:

I believe it's July when the new...

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Demuzio.

SENATOR DEMUZIO:

Can you tell me what the term means? Is that four years, two years, or what is it?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Cronin.

SENATOR CRONIN:

It's a four-year term. And they had their election just recently and they have a new regional superintendent-elect who will take office in July. So...

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PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Demuzio.

SENATOR DEMUZIO:

So if something would happen to him, let's say, in August, then he would only be appointed at that particular point until the next election because it's -- he -- he wouldn't get the full -- full four years then, would he? Is it -- I don't know what the operating figure is here. So many months prior to the next election.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Cronin.

SENATOR CRONIN:

It's a very simple bill. It just says that it would be to the end of the term, the first assistant, which has been the case and the practice for the past -- oh, nearly -- well, since the predecessor died. So, it's been about two years.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Demuzio.

SENATOR DEMUZIO:

Well, isn't the individual to whom you're attempting to help here currently serving in that capacity? Why do we need to change it?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Cronin.

SENATOR CRONIN:

He, as a practical matter, has been running the office. He's not technically designated as the regional office superintendent. It hurts them and their ability to -- to function because they're down staff. They -- they could use another deputy. But it really is sort of an anomaly, and it seems to be the cleanest way to do it and the most apolitical, just elevating the one that does all the work, has been doing it, let them finish out the balance of

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the term and let those -- the one who was elected begin anew.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Demuzio.

SENATOR DEMUZIO:

I guess that's where I have some quarrel. I don't quarrel with the individual who's there. I kind of like the gentleman. But the -- the fact is, is that you had a newly elected regional superintendent who takes office in August, and if anything should happen to that individual during the first two-year period - let's say a year and a half - then at some point there's an operating number of months there before you would have not a special election, but that person would have to go back and be on the ballot in -- in a two-year period, rather than serving till the end of the term. I guess that's different than it is in downstate. If it -- if it was similar, I probably wouldn't have as much difficulty with this.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any further discussion? Any further discussion? If not, Senator Cronin, to close.

SENATOR CRONIN:

This is not a new issue. This is really a -- a way to address a -- a problem that's -- that's go on for some time. It's -- it's the most apolitical, merit-based approach that I can think of, and I would ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR HAWKINSON)

The question is, shall House Bill 1839 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 30 voting Aye, 20 voting Nay, none voting Present. And House Bill 1839, having not received the required three-fifths majority, is declared failed. Senator Luechtefeld, for what purpose do you

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rise?

SENATOR LUECHTEFELD:

On a point of personal privilege.

PRESIDING OFFICER: (SENATOR HAWKINSON)

State your point.

SENATOR LUECHTEFELD:

Would like the Senate to recognize and welcome a group from Red Bud, St. John's Lutheran School. Their -- their superintendent, by the way, I had in class a lot of years ago. Her name is Deitt Schneider. If they would rise, would you please welcome them?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Would you please rise and be welcomed by the Senate? Thank you, Senator. On the Order of House Bills 3rd Reading is House Bill 2098. Senator Donahue. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 2098.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Donahue.

SENATOR DONAHUE:

Thank you very much, Mr. President. This bill has been amended and gutted, and it has been replaced with a bill that deals with clerks of the court and it affects three counties: DuPage, Lake and Will. And all it does is authorizes the circuit court judges to add new deputy clerks to the staff of the circuit clerk if they vote by a majority vote of those judges. And that's all it does, and I would ask for your support.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Any further discussion? Any further discussion? If not, Senator Donahue, do you wish to close? The question is, shall

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House Bill 2098 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays, none voting Present. And House Bill 2098, having received the required three-fifths majority, is declared passed. Senator Noland, do you wish -- the order -- the next bill is House Bill 2463. Senator Noland, do you wish leave of the Body to return House Bill 2463 to the Order of 2nd Reading for the purpose of an amendment? Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 2463. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Noland.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Noland, to explain your amendment.

SENATOR NOLAND:

Thank you, Mr. President. This amendment essentially is the -- contains the recommendations of the Illinois Board of Pharmacy, which establishes criteria for the pharmacist technician training programs. It provides guidelines, training requirements for -- for programs and recordkeeping and it also defines the -- the definition of "unique identifier" for a person who's licensed to dispense medications.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any discussion? Senator Sullivan.

SENATOR SULLIVAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Sponsor yield? He will yield. Senator Sullivan.

SENATOR SULLIVAN:

Senator Noland, is -- is this bill in a unique position as

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being your first bill as a Member of Leadership and your last bill as a Senator?

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Noland.

SENATOR NOLAND:

I believe you're correct.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you. The pharmacists thank and support Senator Noland for his efforts, and we thank -- congratulate him. The Illinois Pharmacy Association congratulates him for his new Leadership position. We're very grateful.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Thank you, Senator. Is there any further discussion? Any further discussion? All those in -- in favor of the amendment, say Aye. Opposed, Nay. Opinion of the Chair, the Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 4, offered by Senator Noland.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Noland, to explain your amendment.

SENATOR NOLAND:

Mr. President, this is a technical amendment. There was a drafting error and so it corrects that.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. In the opinion of the Chair, the Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

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No further amendments reported.

PRESIDING OFFICER: (SENATOR HAWKINSON)

3rd Reading. On the Order of 3rd Reading is House Bill 2742. Senator O'Malley, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator O'Malley seeks leave of the Body to return House Bill 2742 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator O'Malley, to explain your amendment.

SENATOR O'MALLEY:

Thank you, Mr. President. Amendment No. 1 to House Bill 2742 was requested by the Department of Revenue to start the program which is to create an income tax checkoff for the Illinois Military Family Relief Fund to take effect for the 2003 tax year, as opposed to 2002, since the forms are already at the printer. Be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any discussion? Any discussion? All those in favor of the amendment, say Aye. Opposed, Nay. In the opinion of the Chair, the Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HAWKINSON)

3rd Reading. WCIA is requesting permission to videotape. Is there leave? Leave is granted. On the Order of 3rd Reading is House Bill 2744. Senator Philip? On the Order of 3rd Reading is House Bill 3797. Senator Syverson. Mr. Secretary, read the bill.

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SECRETARY HARRY:

House Bill 3797.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This legislation is really in follow up to legislation that was passed last year, House Bill -- Senate Bill 2164, which was sponsored by Senator Link, dealing with the concerns over coach bus drivers and the training and how that integrates with school bus drivers and training. And while that was good legislation and passed overwhelmingly, there have been a couple concerns raised regarding that legislation that is being discussed and worked on with the -- with Senator Link and members of the Secretary of State, as well as the Coach Association. What this legislation does is ask for a six-month hold on this new law from going into place to give them time to work out agreements to get the -- those concerns addressed. Be happy to answer any questions, otherwise seek a favorable roll call.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any further discussion? Any further discussion? If not, Senator Syverson, do you wish to close? The question is, shall House Bill 3797 pass. Those in favor will vote Aye. Those opposed, vote Nay. The voting is open. ...all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 53 Ayes, no Nays, none voting Present. And House Bill 3797, having received the required constitutional majority, is declared passed. House Bill 4047. Senator Philip. Senator Philip, do you wish this bill returned to 2nd Reading for purposes of an amendment? Senator Philip seeks

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leave of the Body to return House Bill 4047 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 4047. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Philip, to explain your amendment.

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. Amendment No. 3 to House Bill 4047 amends the Criminal Code {sic} (Identification) Act to exempt units of the Illinois National Guard from paying fees to the State Police running criminal background checks on persons seeking access to arms storage facility maintained by the Guard. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any discussion? Is there any discussion? All those in favor of adopting the amendment, say Aye. Opposed, Nay. In the opinion of the Chair, the Ayes have it, and the amendment is adopted. Are there any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR HAWKINSON)

3rd Reading. On page 3 of your Calendar, at the top, are -- House Bills 3rd Reading, is House Bill 4588. Senator Weaver. On 3rd Reading is House Bill 5159. Senator Philip? The next bill is House Bill 5222. Senator Syverson. Mr. Secretary, read the bill.

SECRETARY HARRY:

House Bill 5222.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. This legislation deals with two issues, two clean-up measures, one from the State Police and the other from LRB. Don't know of any opposition or concerns over that and would just seek a favorable roll call.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any further discussion? Any further discussion? Senator Syverson, do you wish to close? The question is, shall House Bill 5222 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 52 Ayes, no Nays and none voting Present. House Bill 5222, having received the required three-fifths majority, is declared passed. Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

Point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR HAWKINSON)

State -- state your point.

SENATOR SHADID:

For whatever it's worth, Mr. President, I want to commend you for the great job you've done as President this morning, and you should have been in that seat a long time ago. Thank you very much.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Messages.

SECRETARY HARRY:

A Message for the Governor by Michael P. Madigan, Director of

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Legislative Affairs, dated November 21st, 2002.

Mr. President - The Governor directs me to lay before the Senate the following Message:

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable Body.

PRESIDING OFFICER: (SENATOR HAWKINSON)

We will now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Mr. President.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Is there any discussion? If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Joint Resolution 89.

(Secretary reads HJR No. 89)

Adopted by the House, November 21st, 2002.

PRESIDING OFFICER: (SENATOR HAWKINSON)

Senator Weaver moves to suspend the rules for the purpose of immediate consideration and adoption of House Joint Resolution 89. Those in favor -- those in favor will say Aye. Opposed, Nay. The

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Ayes have it, and the rules are suspended. Senator Weaver has moved for the adoption of House Joint Resolution 89. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. Is there any further business to come before the Senate? If not, pursuant to the adjournment resolution, Senator Wendell Jones moves the Senate stand adjourned until the hour of 3 p.m., Tuesday, December 3rd, 2002. Happy Thanksgiving. The Senate stands adjourned.